

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GUN OWNERS OF AMERICA, INC.,
et al.,

Plaintiffs,

Case No. 1:18-cv-1429

vs.

HON. Paul L. Maloney

MERRICK GARLAND, et al.,

Defendants.

JOINT STATUS REPORT

Pursuant to this Court's Order dated December 1, 2022, ECF No. 78, the parties file this Joint Status Report.

1. Plaintiffs initiated this action and sought preliminary injunctive relief in December 2018. *See* Compl., ECF No. 1; Mot. for Prelim. Inj., ECF No. 9. This Court denied the motion for preliminary injunction. March 21, 2019 Order & Op., ECF No. 48.

2. Plaintiffs appealed the denial of their motion for preliminary injunction to the Sixth Circuit. *See* Notice of Appeal, ECF No. 49.

3. This Court stayed further proceedings pending that appeal. *See* May 6, 2019 Order, ECF No. 55.

4. A panel of the Sixth Circuit ordered that the denial of the preliminary injunction be reversed and remanded. *See* ECF No. 62. The Sixth Circuit granted en banc review, *see* ECF No. 63 and then affirmed this Court's order denying the preliminary injunction by an equally divided court, *see* ECF No. 68.

5. Plaintiffs sought a writ of certiorari from the Supreme Court. *See* ECF No. 72. This Court stayed proceedings pending action on the petition by the Supreme Court and ordered the

parties to submit a further status report no later than two weeks after the denial of Plaintiffs' petition. *See* March 15, 2022 Order, ECF No. 73.

6. On October 3, 2022, the Supreme Court denied Plaintiffs' petition for certiorari. *See* ECF No. 74. The parties subsequently requested that the Court temporarily lift the stay to allow Defendants to file the administrative record in this matter; the Court granted this request and subsequently re-imposed the stay. *See* ECF No. 78.

7. Counsel for the parties have conferred about how they wish to proceed in this matter. The Government respectfully requests, and the Plaintiff does not oppose, that the Court continue the stay of proceedings an additional 30 days to give the parties an opportunity to evaluate how the Fifth Circuit's recent en banc decision in *Cargill v. Garland, et al.*, No. 20-51016 (5th Cir. Jan. 6, 2023)—and any potential subsequent proceedings—may impact the resolution of this matter.

8. The parties propose to file a further joint status report on or before April 14, 2023.

Dated: March 14, 2023

Respectfully submitted,

PENTIUK, COUVREUR & KOBILJAK, P.C.

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CERTIFICATE OF SERVICE

Kerry L. Morgan, on March 14, 2023, e-filed and served the foregoing *Joint Status Report* using this Court's e-filing and e-service system.

/s/Kerry L. Morgan
Kerry L. Morgan, Esq.